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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,448	04/12/2000	KIMMO SAVOLAINEN	747-009336-U	6549

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/529,448

Applicant(s)

SAVOLAINEN, KIMMO

Examiner

sujatha sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
- 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7,9,16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiedemann [WO 97/14258].

The reference cited is included in the IDS submitted by the applicant.

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Regarding claims 1,2 and 16, Tiedemann discloses a method and system for over the air service programming. Tiedemann further discloses a communication system comprising of subscriber terminals and a customer service center (CSC) which queries the subscriber station for information in response to which CSC selects the HLR within the communication network with which the subscriber unit is to be associated. Tiedemann further discloses a method where the service programming information associated with the particular subscriber station is transferred from the HLR into the subscriber station. See Fig. 1 and abstract.

Regarding claim 3, Tiedemann further discloses a method where the mobile unit is programmed in advance to connect to the CSC for over the air service programming. See page 8, lines 1-22.

Regarding claims 4 and 6, Tiedemann discloses a method where the CSC queries the subscriber unit for information which includes location information in response to which the CSC selects the HLR within the communication network with which the subscriber unit is to be associated. Tiedemann further discloses a method where the service programming information associated with the particular subscriber station is transferred from the HLR into the subscriber station. See Fig. 1 and abstract.

Regarding claim 5, Tiedemann further discloses a method where the service programming information is set in the HLR for a subscriber unit and is downloaded into the subscriber unit upon request from the subscriber unit. See abstract.

Regarding claim 7, Tiedemann discloses a method where the subscriber unit sends a service programming request along with user information to the CSC and the CSC determines if it is the correct CSC to service the user and if not the subscriber unit is forwarded to a correct CSC which

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then triggers the HLR associated with the subscriber unit to download the service programming information to the subscriber unit. See Fig. 4A and page 10, lines 15-39.

Regarding claim 9 and 18, Tiedemann further discloses a method where the message from the subscriber unit is sent as a data call. See page 12, lines 3-4.

5. Claims 1-6,8,9,16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerszberg [US 5,297,191].

Regarding claims 1,2 and 16, Gerszberg discloses a method and apparatus for remotely programming a wireless telephone set. Gerszberg further discloses a communication system with subscriber units and a control center for remotely authorizing telecommunication service to a mobile telephone set. Gerszberg further discloses a method where a telephone set after establishing a bi-directional communication path with the control center, conveys to the operator at the control center any requested subscriber-specific information. The office interprets this to include location information. Gerszberg further discloses a method where in response to receiving the identification indicia from the mobile set, number assignment module (NAM) designation parameters specific to the subscriber owner is downloaded into the telephone set. See column 2, lines 4-20, 50-67, column 3, lines 27-60.

Regarding claim 3, Gerszberg further discloses the programming of the connection data in advance in the terminal to be installed. See column 3, lines 14-34.

Regarding claims 4 and 6, Gerszberg further discloses a method where a telephone set after establishing a bi-directional communication path with the control center, conveys to the operator at the control center any requested subscriber-specific information. The office interprets this to include location information. Gerszberg further discloses a method where in response to

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receiving the identification indicia from the mobile set, number assignment module (NAM) designation parameters specific to the subscriber owner is downloaded into the telephone set. See column 2, lines 4-20, 50-67, column 3, lines 27-60.

Regarding claim 5, Gerszberg discloses a method where the operational parameters specific to the mobile is set in advance at the control center. See column 3, 52-60.

Regarding claims 8,9,17 and 18 Gerszberg discloses a bi-directional communication path between the mobile set and the control center to be a data link for message type signals. See column 4, lines 29-46.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann [WO 97/14258] in view of Mills [WO 33445].

The references cited are included in the IDS submitted by the applicant.

Regarding claims 8 and 17, Tiedemann as treated in claim 1 does not disclose the use of SMS technology to download the service provisioning parameters to the subscriber unit.

Mill teaches the use of SMS technology to download the service provisioning parameters from the HLR to the subscriber unit. See abstract.

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Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Mills in Tiedemann's invention in order to quickly, reliably and cost-effectively provide telephone service to new or existing customers.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann [WO 97/14258] in view of Lee [WO 9520859].

The references cited are included in the IDS submitted by the applicant.

Tiedemann as treated in claim 1 does not disclose the choice of language as the operational parameter..

Lee teaches a method of preselecting a language selection in telecommunication services such that the language selection may be identified with the user. See abstract.

Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Lee in Tiedemann's invention in order to provide interactive telecommunication services to the user.

9. Claims 11-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann [WO 97/14258] in view Sarpola [WO 95/20298].

The references cited are included in the IDS submitted by the applicant.

Regarding claims 11-14 and 19-22, Tiedemann as treated in claims 1 and 16 does not disclose a pay phone system and payphone terminals. Tiedemann further does not disclose the terminals to be payment terminals in stores or WLL terminals or mobile smart card terminals.

Sarpola teaches a method for transmitting tariff data to a subscriber unit. Sarpola further teaches a WLL system with a pay phone or mobile smart card terminals. See abstract and page 4, lines 20-34.

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Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Sarpola in Tiedemann's invention in order to use the method of remotely downloading operational parameters to the subscriber unit in different applications.

Regarding claim 15, Tiedemann as treated in claims 1 and 16 does not disclose the operational parameter to include tariff information.

Sarpola teaches a method of transmitting tariff data to a subscriber unit. See abstract.

Therefore it would have been obvious to one with ordinary skill in the art to include the teaching of Sarpola in Tiedemann's invention in order to charge the user of the subscriber unit as fairly as possible.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang [US 2002/0028673] discloses an enhanced system and method for programming a mobile telephone over the air within a mobile telephone communication network.

Gossman [US 6317594] discloses a system and method of providing data to a wireless device upon detection of activity of the device on a wireless network.

Leung [US 6,195,546] discloses a method for network initiated parameter updating.

Noudoshani [US 6,144,849] discloses a method and apparatus for over the air service provisioning of a mobile telephone.

Yamagishi [US 6,125,273] discloses an apparatus and method for operating a cellular or portable telephone.


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Norman [US 5,485,505] discloses an apparatus and method for remotely initiating operation of a cellular telephone.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Sujatha Sharma
August 29, 2002


9/7/02

NGUYEN T. VO
PRIMARY EXAMINER